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2. Citation for the State Court Action was issued on August 24, 2017 and served on Defendant Travelers Lloyds of Texas Insurance Company via Certified Mail on August 28, 2017.

II. BASIS FOR REMOVAL

3. This Court has original jurisdiction over this State Court Action, pursuant to 28 U.S.C. §1332(a), because it is a civil action between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

4. The Plaintiffs seek monetary damages over \$200,000.00 but not more than \$1,000,000.00. *See* Exhibit A-1 at paragraph 99, page 24. Accordingly, the amount in controversy in this matter meets and exceeds the federal jurisdictional minimum of \$75,000, exclusive of interest and costs

5. Plaintiffs Roger T. Trevino and Josh Polansky were at the time of the filing of this action, have been at all times since, and still are individual resident citizens of Texas. *See* Exhibit A-1, Paragraph 2, Page 1. For diversity purposes, an individual is a citizen of the state of his domicile, which is the place of his true, fixed, and permanent home and principal establishment, to which he has the intention of returning home whenever he is absent therefrom. *See Stine v. Moore*, 213 F.2d 446, 448 (5th Cir. 1954). Accordingly, Plaintiffs Trevino and Polansky are citizens of Texas.

6. Plaintiff Twang Partners Ltd. was at the time of the filing of this action, has been at all times since, and still is a citizen of Texas. The citizenship of a limited partnership is determined by the citizenship of all of its partners. *See Carden v. Arkoma Associates*, 494 U.S. 185 (1990); *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). Plaintiff Twang Partners, Ltd.'s general partner is Twang GP, LLC, a domestic LLC organized under the laws of Texas, and its limited partner is Plaintiff Roger T. Trevino. *See* Exhibit B attached hereto. Twang GP, LLC is owned by Plaintiff Roger T. Trevino. *See* Exhibit C attached hereto. Therefore, because all of Twang

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Partners Ltd.'s partners are citizens of Texas, Plaintiff Twang Partners Ltd. is a citizen of Texas and has been a citizen of Texas at all times relevant to this lawsuit. *See* Exhibit A-1, Paragraph 2, Page 1.

7. On the date of this removal and at all relevant times, including at the time the lawsuit was filed and at all times since, Defendant Travelers Property Casualty Company of America is a citizen of the State of Connecticut because it is a Connecticut corporation with its principal place of business in the state of Connecticut.

8. Defendant Josh Engle ("Engle") was at the time of the filing of this action, has been at all times since, and still is an individual resident citizen of the State of Ohio. *See* Exhibit D attached hereto.

9. Because the amount in controversy exceeds \$75,000 and Plaintiff is a citizen of Texas while no properly joined defendant is a citizen of Texas, this Court has original jurisdiction over the present action pursuant to 28 USC §1332. Therefore, removal is proper.

10. Engle consents to this removal. *See* Exhibit E attached hereto.

11. This action may be removed to this Court pursuant to 28 USC §1441(a), which allows for the removal of any civil action brought in the state court of which the District Courts of the United States have original jurisdiction, by the defendant or the defendants, to the District Court of the United States for the district and division embracing the place where such action is pending.

12. This Amended Notice of Removal is filed within thirty (30) days after service (on August 28, 2017) by Defendants of the State Court Action. This Amended Notice of Removal is also filed within one year of the filing of Plaintiff's Original Petition by which the State Court Action was commenced. This Notice, therefore, is timely filed pursuant to 28 USC §1446 (b).

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**III.
PROCEDURAL REQUIREMENTS**

13. In accordance with 28 USC section 1446 (D), Defendants will promptly give written notice of this Amended Notice of Removal to Plaintiffs through counsel of record and previously filed a copy of their Notice of Removal in the 288TH Judicial District Court, Bexar County, Texas.

14. Defendants reserve the right to amend or supplement this Notice of Removal.

15. The following are included in the Appendix filed contemporaneously with this Notice of Removal:

- (a) an index of all documents that clearly identifies each document and indicates the date the document was filed in the State Court Action;
- (b) a copy of the civil cover sheet in the State Court Action;
- (c) a copy of each document filed in the State Court Action, except discovery material, arranged in chronological order according to the state court filing date; and
- (d) a separately filed JS-44 Civil Cover Sheet.

For the above reasons, Defendants give notice of the removal of the State Court Action to this Court and respectfully request that this action proceed before this Court as though it had originally been instituted in this Court.

Dated: 20 September, 2017

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Respectfully submitted,

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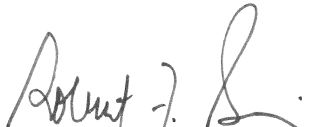
State Bar No. 17736350

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been forwarded to the following counsel of record in compliance with the Federal Rules of Civil Procedure this 20 day of September, 2017:

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